

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Keith Eugene Washington,

Civil No. 17-5054 (DWF/SER)

Petitioner,

v.

**ORDER**

Michelle Smith,

Respondent.

In an Order dated July 17, 2018, the Court adopted the Report and Recommendation of United States Magistrate Judge Steven E. Rau dated June 29, 2018 (Doc. No. 16) and dismissed this case with prejudice. (Doc. No. 18.) Judgment was entered on July 23, 2018. (Doc. No. 18.) On July 23, 2018, Plaintiff filed an untimely objection to the Report and Recommendation. Because the objection is untimely and the Court lacks jurisdiction over this case, Petitioner's objection is properly denied as moot. The Court notes, however, that the arguments set forth by Plaintiff would not warrant a departure from the Magistrate Judge's Report and Recommendation, which even after a *de novo* review, would have been properly adopted. Accordingly, the Court now **ORDERS** that: Petitioner's Objection to Magistrate Judge Steven E. Rau's June 29, 2018 Report and Recommendation (Doc. No. [19]) is **DENIED AS MOOT**.

Dated: October 17, 2018

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge